

# SENATE RECORD VOTE ANALYSIS

106th Congress  
1st Session

Vote No. 355

November 8, 1999, 5:30 p.m.  
Page S-14267 Temp. Record

## BANKRUPTCY REFORM/Protecting Patients in Failing Nursing Homes

**SUBJECT:** Bankruptcy Reform Act of 1999 . . . S. 625. Grassley modified amendment No. 1730.

### ACTION: AMENDMENT AGREED TO, 94-0

**SYNOPSIS:** As reported, S. 625, will enact reforms to prevent creditors who have the means of paying their debts from unjustly filing for bankruptcy, will enact reforms to protect consumers from unfair credit practices, and will enact business bankruptcy reforms. It is similar to the bipartisan bill debated last session (see 105th Congress, 2nd session, vote No. 313).

**The Grassley modified amendment** would enact several reforms to protect the patients of nursing homes that enter bankruptcy. Reforms would include the following: a bankruptcy judge would be required to appoint an ombudsman to act as an advocate for patients during bankruptcy proceedings; patients' records would have to be stored in accordance with State law, returned to the patients or insurance providers (if applicable law allowed the return to the insurance providers), or destroyed; and a trustee would have to use all reasonable and best efforts to transfer patients from a closing nursing home to another appropriate health care facility.

**Those favoring** the amendment contended:

Bankruptcy proceedings generally and rightly focus on making bankrupts paying that portion of their debt which they are able to repay and then erasing any remaining debt. That focus is too narrow when dealing with nursing home failures. When a nursing home fails, care needs to be taken to protect the needs of the elderly patients of that nursing home. Under current law such patients are not being adequately protected. We know of cases where patients have been literally wheeled out into the streets to be picked up by loved ones. In less extreme cases, health care quality has suffered as trustees have taken over nursing homes and cut costs. Yet another problem is that bankruptcy courts are not expert in patient privacy laws and do not give the protection for medical records that is needed. This amendment would solve these problems. Most importantly, it would require the appointment of a patient ombudsman in every nursing home bankruptcy proceeding. Other important provisions include that new protections would be

(See other side)

YEAS (94)				NAYS (0)		NOT VOTING (5)	
Republican (53 or 100%)		Democrats (41 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (1)	Democrats (4)
Abraham	Hutchison	Akaka	Johnson			Gramm <sup>-2</sup>	Hollings <sup>-4</sup>
Allard	Inhofe	Baucus	Kennedy				Lautenberg <sup>-2</sup>
Ashcroft	Jeffords	Bayh	Kerrey				Leahy <sup>-3AY</sup>
Bennett	Kyl	Biden	Kerry				Moynihan <sup>-2AY</sup>
Bond	Lott	Bingaman	Kohl				
Brownback	Lugar	Boxer	Landrieu				
Bunning	Mack	Breaux	Levin				
Burns	McCain	Bryan	Lieberman				
Campbell	McConnell	Byrd	Lincoln				
Chafee, Lincoln	Murkowski	Cleland	Mikulski				
Cochran	Nickles	Conrad	Murray				
Collins	Roberts	Daschle	Reed				
Coverdell	Roth	Dodd	Reid				
Craig	Santorum	Dorgan	Robb				
Crapo	Sessions	Durbin	Rockefeller				
DeWine	Shelby	Edwards	Sarbanes				
Domenici	Smith, Bob	Feingold	Schumer				
Enzi	Smith, Gordon	Feinstein	Torricelli				
Frist	Snowe	Graham	Wellstone				
Gorton	Specter	Harkin	Wyden				
Grams	Stevens	Inouye					
Grassley	Thomas						
Gregg	Thompson						
Hagel	Thurmond						
Hatch	Voinovich						
Helms	Warner						
Hutchinson							

**VOTING PRESENT (1)**  
Fitzgerald

**EXPLANATION OF ABSENCE:**  
1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

**SYMBOLS:**  
AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

enacted for medical records, and trustees would be required to use all reasonable and best efforts to move patients from nursing homes that were closed in bankruptcy proceedings to new nursing homes. Rising health care costs are creating a crisis situation for many nursing homes in America, and they are failing at an increasingly greater rate. This amendment would not solve the problem of those failures, but it will provide protections for patients of nursing homes that go bankrupt. We urge our colleagues to give this amendment their unanimous support.

**No arguments were expressed in opposition to the amendment.**